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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,145	04/15/2004	Yngve HAGBERG	07589.0159.PCUS00	3144

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EXAMINER

KAPLAN, HAL IRA

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,145

Applicant(s)

HAGBERG ET AL.

Examiner

Hal I. Kaplan

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-21 is/are allowed.
- 6) ☒ Claim(s) 1,3,5,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2,4,6,7 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. PCT/SE02/01790.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/15/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/SE02/01790, filed on October 1, 2002.

Specification

2. The disclosure is objected to because of the following informalities: Paragraph 25, line 2 contains the phrase "Fig. 1". It appears this should read "the Figure". Paragraph 41, lines 8-9 contain the phrase "vehicle is extinguished". It appears this should read "vehicle are extinguished".

Appropriate correction is required.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the character window of Claim 4, control unit of claim 6, memory unit of claim 7, and serial electronic interface of claim 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

4. The drawings are objected to under 37 CFR 1.84(u)(1). Where only a single view is used in an application to illustrate the claimed invention, it must not be numbered and the abbreviation "FIG." must not appear.

Claim Objections

5. Claims 17-21 are objected to because of the following informalities: Claim 17 line 3, the phrase "a fourth function" lacks proper antecedent basis. Claim 18 line 3, the phrase "a fifth function" lacks proper antecedent basis. Claim 19 line 3, the phrase "a sixth function" lacks proper antecedent basis. Claim 20 line 3, the phrase "a seventh function" lacks proper antecedent basis. Claim 21 line 3, the phrase "an eighth function" lacks proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 5 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 5 recites the limitation "the rotary light switch is a low-level switch". It is not clear from the specification what is meant by a "low-level switch". This appears to mean that the voltage is below a certain level, but the specification defines a low-level switch as a switch with a power supply or power controller connected in series between the switch and the load. The examiner has assumed that a low-level switch is a switch with a low operating voltage.

Claim 8 recites the limitation "the rotary light switch has a serial electronic interface". It is not clear from the specification and drawing whether this refers to the switch being connected to the load in series, or the signals from the switch to the control or memory unit and/or from the control or memory unit to the load being transmitted bit serially. The examiner has assumed this refers to the series connection between the switch and the load (see Specification, paragraph 27, lines 5-7).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by the US patent of Del Rosso (5,736,696).

As to claim 1, Del Rosso, drawn to a combined automotive light switch, teaches a rotary light switch (3) for vehicles configured to be oriented between a plurality of fixed rotational positions for operating a plurality of different lighting groups (0,I,II) (see column 3, lines 37-49) and a plurality of spring-loaded axial positions also for operating a plurality of different lighting groups (see column 4, lines 3-21), and wherein a first axial position is activated by a pushing movement and a second axial position is activated by a pulling movement (see Abstract, lines 3-6).

As to claim 8, the rotary light switch of Del Rosso has a serial electronic interface (see column 4, lines 27-39).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Del Rosso in view of the European patent application publication of Hubacher (EP 0 765 775).

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As to claim 3, Del Rosso teaches all of the claimed features, as set forth above, except for an activated axial position being indicated by an illuminated symbol.

Hubacher, drawn to a switch control assembly, teaches, in Figure 2, a rotary light switch for vehicles, configured to be oriented between a plurality of fixed rotational positions and a plurality of axial positions, wherein an activated axial position is indicated by an illuminated symbol (42) (see column 3, lines 32-43 and column 3, line 59 through column 4, line 2). It would have been obvious to one of ordinary skill in the art, at the time of the invention, to use an illuminated symbol to indicate an activated axial position, because it would be easy for the driver to see that the fog lights or other device(s) are on.

As to claim 9, in the switch control assembly of Hubacher, the axial positions correspond to two different fog lamp functions (see column 3, line 56 through column 4, line 2).

Allowable Subject Matter

14. Claims 11-21 allowed.

15. The following is an examiner's statement of reasons for allowance:

Claims 11-21 are allowed because none of the prior art of record teaches or discloses the steps of deactivating the first function by a second pushing movement and deactivating the second function by a second pulling movement, in combination with the remaining claimed features.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

16. Claims 2, 4, 6, 7, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The following is a statement of reasons for the indication of allowable subject matter:

Claim 2 contains allowable subject matter because none of the prior art of record teaches or discloses one of the fixed rotational positions corresponding to headlamps with auxiliary light, in combination with the remaining claimed features.

Claim 4 contains allowable subject matter because none of the prior art of record teaches or discloses indicating an activated axial position by a symbol in a character window, in combination with the remaining claimed features.

Claim 6 contains allowable subject matter because none of the prior art of record teaches or discloses a control unit that codes the output signals from the rotary light switch, in combination with the remaining claimed features.

Claim 7 contains allowable subject matter because none of the prior art of record teaches or discloses a memory unit that codes the output signals from the rotary light switch, in combination with the remaining claimed features.

Claim 10 contains allowable subject matter because none of the prior art of record teaches or discloses a rotary switch with axial positions corresponding to the

functions headlamp interrupt and marker interrupt, in combination with the remaining claimed features.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal I. Kaplan whose telephone number is 571-272-8587. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2800 x36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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